

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5184 OF 2005
(CRIMINAL APPEAL NO.1174 OF 2006)

.....
OFFICE NOTES, OFFICE
MEMORANDUM OF CORAM,
APPEARANCES, COURT'S
ORDERS OR DIRECTIONS
AND REGISTRAR'S ORDERS

COURT'S OR JUDGES
ORDERS

.....
Shri D.P.Adsule, A.P.P for the State.

CORAM : A. S. OKA, J.
DATE : DECEMBER 07, 2006.

P.C.:

1. Without noticing that the trial court had framed a charge against the Respondent under section 302 of the Indian Penal Code, the Application for leave was placed before this court. Considering the fact that a charge was framed under section 302 of the Indian Penal Code, the Application ought to have been placed before the appropriate Division Bench. This fact was not noticed when order dated 09th November, 2006 was passed. Hence, order dated 09th November, 2006 is recalled. Consequently, registration of Criminal Application No.5814 of 2005 as an Appeal is revoked. Office will place the Criminal Application for leave before the appropriate Division Bench.

JUDGE